

Response to Office Action
U.S. Application No. 09/409,659
Our Ref.: 7950-007

Remarks

6. Claims 1, 2, 4/1, 4/2, 5/1, and 5/2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamanaka et al. (US 6,078,353).
12. Claims 3/1 and 3/1 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka et al. (US 6,078,353).

The undersigned submits that, in accordance with 35 U.S.C. § 103(c), Yamanaka does not qualify as prior art under 35 U.S.C. 102(e) because the subject matter of Yamanaka and that claimed in the present application invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person (i.e., Fuji Photo Optical Company, Ltd.).

The undersigned understands that, as instructed in MPEP 702.02(l)(2)(II), the foregoing statement by the undersigned attorney is sufficient evidence to establish the common ownership of, or an obligation for assignment, to the same person(s) or organizations, of the Yamanaka reference and the present application.

For at least the foregoing reasons, rejection in light of Yamanaka is improper and it is respectfully requested that the Examiner's rejection be withdrawn and the claims allowed.

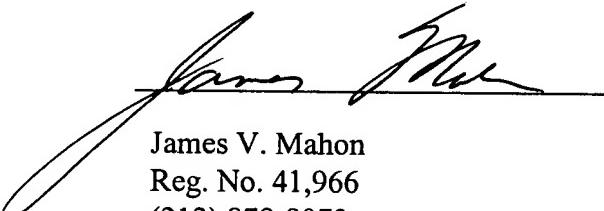
Conclusion

Claims 1-5 are now pending and believed to be in condition for allowance. Applicant respectfully requests that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

Date: May 6, 2004
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